PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF) Francisco O'Meany) Serial No. 09/927,104) Filed: August 10, 2001) For: Methods and Apparatus for) Wireless Control of Remote Devices) _________________)	Examiner: Eric Chang Art Unit: 2116 Date: January 4, 2006 **CORRECTED SUPPLEMENTAL DECLARATION OF FRANCISCO O'MEANY 37 C.F.R. 1.131**

Commissioner for Patents
Alexandria, VA 22313-1450

I, Francisco O'Meany, declare as follows:

1.   I am the inventor of the wireless controller device described and claimed in the above-referenced patent application.

2.   In about January 2000, I conceived of the idea of a wireless control system for controlling power distribution.

3.   Between January 2000 and April 2000, I built a prototype of a wireless power control system which included an intelligent agent unit that I referred to as the "Perfect Advisor." This Perfect Advisor, when connected to a

power source, was capable of connecting and disconnecting the power source to an appliance in response to a wireless signal. A prototype of the system using the Perfect Advisor was built and tested in March and April 2000 and photographs of that prototype are attached hereto as Exhibit A.

4. In late April 2000, I, together with business associates, obtained production cost quotations for a system using the Perfect Advisor. Attached as Exhibit B is an e-mail evidencing these production quotations.

5. In early April 2000, I started conceptualizing an enhanced system with an expanded intelligent agent which I referred to as "Perfect Advisor II." Whereas Perfect Advisor I was a one-way system (the Perfect Advisor only transmitted signals to the power source for turning it on or off), Perfect Advisor II was to be a two-way system which not only could turn a power supply on or off, but could also send and receive signals to a device to which power was being controlled.

6. The system including Perfect Advisor II was designed to be capable of turning on and off computer CPUs which required that the Perfect Advisor II instruct the CPU to perform its shut-down routine, and then advise the Perfect Advisor II that the routine had been completed and the CPU was in condition to have the power disconnected, and then to disconnect the power.

7. The above-referenced patent application is directed to a system including the Perfect Advisor II.

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Declaration of Francisco O'Meany
Serial No. 09/927,104

2

8.   After the prototype of the embodiment of Perfect Advisor I was completed in May 2000, I started to focus on a prototype of a system including the Perfect Advisor II. That prototype was completed on or before June 29, 2000. Photographs of that prototype are attached as Exhibit C.

9.   By early June 2000, the design of the Perfect Advisor II was complete and I started the process of building a prototype. I sent the prototype of Perfect Advisor I (original prototype) to an associate (Emmett Culley) who was helping me build the prototype of Perfect Advisor II. Attached as Exhibit D are e-mails evidencing that the original prototype was sent to Emmett Culley in early June 2000 via Federal Express. I wrote the software for the Perfect Advisor II while my associate Mr. Culley worked on building the hardware. We worked diligently and continuously, but since we both had other full-time jobs, our work necessarily took place mostly during evenings and weekends.

10.   The prototype using the Perfect Advisor II was completed and fully operational, and operated as intended by June 29, 2000.

11.   Attached hereto as Exhibit E are the June 4, 2000 minutes of a June 2, 2000 meeting of my associates with whom I was developing my invention. The author of the minutes, Alex Zujovich, was one of my business associates in developing the invention, along with the others to whom the minutes were addressed. In these minutes, the reference to "first demo unit (second generation)," refers to the Perfect Advisor II, the schematic drawing of which is attached and dated "6/4/00," the date the drawing was made.

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12.   The schedule set forth in the minutes (Exhibit E) was essentially met such that by the group meeting on June 29, 2000, a fully working prototype of a wireless remote power control system using Perfect Advisor II was operable and demonstrated.

13.   The diagram attached to the minutes of June 4, 2000 (Exhibit E) shows that the Perfect Advisor II includes a Perfect Advisor II main unit which receives wireless signals, either tower-to-tower or via a satellite, which causes the Perfect Advisor II to send a signal to an appliance such as a PC, which PC, when it has responded to the signal, communicates to the Perfect Advisor II that it has so responded, at which time, the Perfect Advisor II sends a signal to the power control unit, which discontinues the power from the appliance.

14.   The prototype shown on Exhibit C included the Perfect Advisor II and was fully operational to shut down power to a PC after the PC had been requested to initiate its shut-down routine and signaled that the shut-down routine was complete.

15.   On July 10, 2000, I, together with my associates, met with attorney H. Michael Brucker in his office in Emeryville, California, for the purpose of seeking patent protection for my invention. It was ultimately decided to file a provisional patent application for the wireless power control system including a Perfect Advisor II. At that meeting, I fully disclosed to Mr. Brucker my invention that included the Perfect Advisor II making reference to the "6/4/00" schematic drawing of Exhibit E.

16.   After a prior art search was conducted and reported by Mr. Brucker

and other formalities completed, a provisional patent application was filed on August 10, 2000.

17. I declare under penalty of perjury that all statements made of the my own knowledge are true and that all statements made on information and belief are believed to be true and that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Dated: January 4, 2006

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Francisco O'Meany
Inventor

Declaration of Francisco O'Meany
Serial No. 09/927,104

5